



10-29-04

JPW 3738

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gholam-Reza Zadno-Azizi, *et al.*
Serial No.: 10/081,569
Filed: February 21, 2002
For: *BODY FLUID FLOW CONTROL
DEVICE*
Art Unit: 3738
Examiner: Unassigned

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE
WITH 37 C.F.R. §§ 1.97-1.98**

PO Box 2327
Arlington, VA 22202

Sir:

Since this Supplemental Information Disclosure Statement is filed after receipt of a first Office Action on the merits for the above-captioned application, the filing fee of \$180.00 is enclosed. If no proper payment is enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§ 1.97-1.98 Forms PTO-1449 (3 pages) and copies of the cited documents are provided herewith in connection with the above-captioned application.

The documents listed on the Form PTO-1449 and supplied herewith are in the

USSN 10/081,569
ZADNO-AZIZI et al.
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

English language except items AU & AV which are in the Russian language. Items AU (Russian patent 2140211) & AV (Soviet Union patent 852321) are provided with an English language equivalent (items AX & AY respectively) . Hence, in accordance with the requirements of 37 C.F.R. § 1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.


Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and make them of record in the file history of the above-captioned application.

Respectfully submitted,

HELLER EHRMAN WHITE & McAULIFFE LLP

By:


Fred C. Hernandez
Registration No. 41,832

Dated: April 22, 2003
Attorney Docket No. 38349-0102D
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

UNDER 37 CFR §1.56, §1.97, and §1.98

PTO-1449 FORM

Sheet 1 of 3

ATTORNEY DOCKET NO.:
38349-0102D

SERIAL NO.:
10/081,569

APPLICANTS:

Zadno-Azizi *et al.*

FILING DATE:

February 21, 2002

GROUP ART
UNIT: 3738

U.S. PATENT DOCUMENTS

† EX'R INITIAL	REF. #	PATENT NUMBER	DATE	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (If appropriate)
	A	2003/0050648 (A1)	03/13/03	Alferness <i>et al.</i>	606/108	09/11/01
	B	2003/0018344 (A1)	01/23/03	Kaji <i>et al.</i>	606/130	07/19/02
	C	2003/0018327 (A1)	01/23/03	Truckai <i>et al.</i>	606/32	07/18/02
	D	2002/0138135 (A1)	09/26/02	Duerig <i>et al.</i>	623/1.24	03/21/01
	E	2002/0007831(A1)	1/24/02	Davenport <i>et al.</i>	128/200.24	7/18/01
	F	2,981,254	04/25/61	Vanderbilt	128/350	11/12/57
	G	3,657,744	04/25/72	Ersek	128/334	05/08/70
	H	3,788,327	01/29/74	Donowitz <i>et al.</i>	128/350	03/30/71
	I	3,874,388	04/01/75	King <i>et al.</i>	128/334	02/12/73
	J	4,014,318	03/29/77	Dockum <i>et al.</i>	128/1	05/22/75
	K	4,212,463	07/15/80	Repinski <i>et al.</i>	273/418	02/17/78
	L	4,302,854	12/01/81	Runge	3/1.7	06/04/80
	M	4,846,836	07/11/89	Reich	623/11	10/03/88
	N	4,852,568	08/01/89	Kensey	128/325	12/28/87
	O	4,968,294	11/06/90	Salama	600/30	02/09/89
	P	5,061,274	10/29/91	Kensey	606/213	12/04/89
	Q	5,161,524	11-92	Evans	128/203.15	
	R	5,306,234	04/26/94	Johnson	604/49	03/23/93
	S	5,352,240	10/04/94	Ross	623/2	05/31/89
	T	5,366,478	11/22/94	Brinkerhoff <i>et al.</i>	660/213	07/27/93
	U	5,409,019	04/25/95	Wilk	128/898	11/03/93
	V	5,413,599	05/09/95	Imachi <i>et al.</i>	623/2	12/13/93
	W	5,645,565	07/08/97	Rudd <i>et al.</i>	606/213	06/13/93

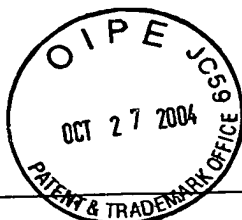
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† EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609. Line through citation if not in conformance and not considered. Include copy of this form in next communication to applicant.

* If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120. 37 C.F.R. 1.98(d).

#608892v1 P1449-38349-0102D



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

UNDER 37 CFR §1.56, §1.97, and §1.98

PTO-1449 FORM

Sheet 2 of 3

ATTORNEY DOCKET NO.:

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10/081,569

APPLICANTS:

Zadno-Azizi *et al.*

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February 21, 2002

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UNIT: 3738

U.S. PATENT DOCUMENTS

	X	5,697,968	12/16/97	Rogers <i>et al.</i>	623/1	08/10/95
	Y	5,800,339	09/01/98	Salama	600/29	05/02/97
	Z	5,851,232	12/22/98	Lois	623/1	3/13/97
	AA	5,855,597	01/5/99	Jayaraman	623/1	5/7/97
	AB	5,944,738	08/31/99	Amplatz <i>et al.</i>	606/213	02/06/98
	AC	5,947,997	09/07/99	Pavcnik <i>et al.</i>	606/213	06/30/97
	AD	5,976,174	11/02/99	Ruiz	606/213	12/15/97
	AE	6,068,638	05/30/00	Makower	606/159	10/27/98
	AF	6,077,291	06/20/00	Das	606/213	11/26/96
	AG	6,135,729	10/24/00	Aber	417/420	07/09/99
	AH	6,245,102 B1	06/12/01	Jayaraman	623/1.15	07/21/99
	AI	6,493,589 (B1)	12/10/02	Medhkour <i>et al.</i>	607/99	08/10/00
	AJ	6,510,846 (B1)	01/28/03	O'Rourke	128/200.21	10/26/00
	AK	6,527,761 B1	3/4/03	Soltesz <i>et al.</i>	604/516	10/27/00

FOREIGN PATENT DOCUMENTS

† EXR INITIAL	REF. #	Patent Number	Date	Country	TRANSLATION- (YES/NO)
	AL	00/78407 (A1)	12/28/00	PCT	
	AM	01/13908 (A2)	03/01/01	PCT	
	AN	01/54685 (A1)	08/02/01	PCT	
	AO	01/95786 (A2)	12/20/01	PCT	
	AP	02/05884 (A2)	1/24/02	PCT	
	AQ	02/34322 (A2)	5/2/02	PCT	

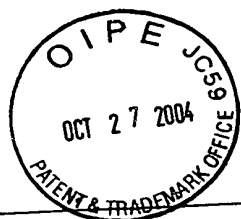
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56, §1.97, and §1.98

PTO-1449 FORM

Sheet 3 of 3

ATTORNEY DOCKET NO.:
38349-0102D

SERIAL NO.:
10/081,569

APPLICANTS:

Zadno-Azizi *et al.*

FILING DATE:

February 21, 2002

GROUP ART
UNIT: 3738

FOREIGN PATENT DOCUMENTS

	AR	02/47575 (A2)	06/20/02	PCT	
	AS	02/094087 (A1)	11/28/02	PCT	
	AT	03/022124 (A2)	03/20/03	PCT	
	AU	2140211	10/27/99	RU	X
	AV	852321	07/08/81	SU	X

x English Language Derwent is enclosed.

OTHER DOCUMENTS

† EXR INITIAL	REF. #	CITATION (Author, Article Title, Journal/Book Title, Date, Pertinent Pages, etc.)
	AW	Al Jishi et al., "Selective Bronchial Occlusion for Treatment of Bullous Interstitial Emphysema and Bronchopleural Fistula." <i>J. of Pediatric Surgery</i> , 29:12, 1994: 1545-1547.
	AX	Derwent citing Russian Patent No. RU 2140211, published 10/27/99, for: "Method of surgical treatment of patients with pathology of respiratory organs complicated with pulmonary hemorrhages"
	AY	Derwent citing Soviet Union Patent No. SU 852-321, published 07/08/81, for: "Treatment for acute pulmonary and pleural disease in children - by pneumo-abcessotomy simultaneous with occlusion of affected lung part"
	AZ	Harris et al., "The Experimental Production in Dogs of Emphysema with Associated Asthmatic Syndrome by Means of an Intratracheal Ball Valve." <i>J. Exp Med</i> 30:1919; 75-88
	BA	Lewis et al. "Pulmonary Interstitial Emphysema: Selective Bronchial Occlusion with a Swan-Ganz Catheter." <i>Archives of Disease in Childhood</i> , 63:1988, 313-315
	BB	Mathew et al. "Selective bronchial obstruction for treatment of bullous interstitial emphysema." <i>J. of Ped.</i> 96:1980, 475-477
	BC	Okada et al. "Emergent Bronchofiberoptic Bronchial Occlusion for Intractable Pneumothorax with Sever Emphysema." <i>The Jap. J. of Thor. And Cardio. Sur.</i> 46:11, 1998 1078-1081
	BD	Puhakka et al. "Acute Bronchial Obstruction: An Experimental Rabbit Model Study." <i>Int. J. of Pediatric Otorhinolaryngology.</i> 18:1989, 107-118.
	BE	Snider et al., <i>The Definition of Emphysema: Report of the National Heart Lung and Blood Institute, Division of Lung Diseases Workshop, Am. Rev. Respir. Dis.</i> , 132:182, 1985

EXAMINER'S SIGNATURE

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#608892v1 P1449-38349-0102D

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349-0102D	04/22/2003	04	\$180.00



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CLIENT #: 38349-102D (FCH:TMT/mo'n)
ENCLOSURES: TRANSMITTAL LETTER (in duplicate); INFORMATION DISCLOSURE STATEMENT; FORM PTO-1449 (3 pages); CITED REFERENCES (2 VOLUMES); CHECK IN THE AMOUNT OF \$180; AND RETURN POSTCARD
APPLICANT: ZADNO-AZIZI ET AL.
APP. NO: 10/081,569
FILED: FEBRUARY 21, 2002
FOR: BODY FLUID FLOW CONTROL DEVICE

PLEASE STAMP HERE (THANK YOU):

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APPLICANT: ZADNO-AZIZI ET AL.
APP. NO: 10/081,569
FILED: FEBRUARY 21, 2002
FOR: BODY FLUID FLOW CONTROL DEVICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gholam-Reza Zadno-Azizi, *et al.*
Serial No.: 10/081,569
Filed: February 21, 2002
For: **BODY FLUID FLOW CONTROL
DEVICE**
Art Unit: 3738
Examiner: Unassigned

TRANSMITTAL LETTER

US Patent and Trademark Office
PO Box 2327
Arlington, VA 22202

Sir:


Transmitted herewith are a Supplemental Information Disclosure Statement, cited references and a PTO-Form 1449 (3 page) for filing in connection with the above-identified application. Because this Supplemental Information Disclosure Statement is filed **after receipt of a First Office Action on the merits for the above-captioned application** but before either a Final Office Action or Notice of Allowance in the above-referenced application, a fee for filing this statement is included herewith. However, should said fee be either missing or incorrect, the Commissioner is authorized to charge deposit account No. 50-1213, for the appropriate fee as stated below:

[X] The Commissioner is hereby authorized to charge any fees that may be due under 37 C.F.R. §§1.16-1.17 in connection with this paper or with this application during its entire pendency to Deposit Account No. 05-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,

HELLER EHRMAN WHITE & McAULIFFE LLP

By:


Fred C. Hernandez
Registration No. 41,832

Dated: April 22, 2003
Attorney Docket No. 38349-0102D
Address all correspondence to:
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Fred C. Hernandez
HELLER EHRMAN WHITE & McAULIFFE LLP
4350 La Jolla Village Drive, Suite 700
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Attorney's Docket No.: 17075-003004

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Number of pages including this page -9-

Applicant : Gholam-Reza Zadno-Azizi, et al.
 Serial No. : 10/081,569
 Filed : February 21, 2002
 Title : BODY FLUID FLOW CONTROL DEVICE

Art Unit : 3738
 Examiner : Urmi Chattopadhyay


Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Further to a telephonic discussion with Examiner Chattopadhyay and her request, attached to this facsimile communication cover sheet is a *replacement copy* of a Transmittal Letter (1 page), Supplemental Information Disclosure Statement (2 pages), PTO-1449 (3 pages), and copy of the check in the amount of \$180.00 which were originally hand-delivered to the USPTO on April 23, 2003. Also attached is the date-stamped receipt postcard reflecting April 23, 2003. Please enter the receipt date of April 23, 2003 for these documents. The foreign patent documents and other documents listed on the PTO-1449 are being submitted under separate cover with a confirmation copy of this official communication. All above-listed documents are being faxed this 18th day of October, 2004 to the United States Patent and Trademark Office.

Date: October 18, 2004

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Respectfully submitted,


 Fred C. Hernandez
 Reg. No. 41 247



Attorney's Docket No.: 17075-003004

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Applicant : Gholam-Reza Zadno-Azizi, et al.
Serial No. : 10/081,569
Filed : February 21, 2002
Art Unit : 3738
Examiner : Urmi Chattopadhyay
Title : BODY FLUID FLOW CONTROL DEVICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Respectfully submitted,

Fred C. Hernandez
Reg. No. 41,832

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12390 El Camino Real
San Diego, California 92130
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